

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

PARUS HOLDINGS INC.,

Plaintiff,

v.

APPLE INC.,

Defendant.

C.A. No.: 6:19-cv-00432-ADA
(Lead Case)

JURY TRIAL DEMANDED

PARUS HOLDINGS INC.,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

C.A. No.: 6:19-cv-00433-ADA
(Consolidated Case)

PARUS HOLDINGS INC.,

Plaintiff,

v.

LG ELECTRONICS INC. and LG
ELECTRONICS U.S.A., INC.,

Defendants.

C.A. No.: 6:19-cv-00437-ADA
(Consolidated Case)

PARUS HOLDINGS INC.,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD. and
SAMSUNG ELECTRONICS AMERICA,

Defendants.

C.A. No.: 6:19-cv-00438-ADA
(Consolidated Case)

PARUS HOLDINGS INC.,

Plaintiff,

v.

AMAZON.COM, INC.,

Defendant.

C.A. No.: 6:19-cv-00454-ADA
(Consolidated Case)

JOINT CLAIM CONSTRUCTION STATEMENT

Pursuant to the Court's Scheduling Order (Dkt. No. 85), Plaintiff Parus Holdings Inc. ("Plaintiff") and Defendant Apple Inc. and Consolidated Defendants Google LLC, LG Electronics, Inc., LG Electronics USA, Inc., Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Amazon.com, Inc. (collectively "Defendants") submit this Joint Claim Construction Statement for the asserted claims of United States Patent No. 7,076,431 ("the '431 Patent") and United States Patent No. 9,451,084 ("the '084 Patent").

The chart below identifies: the disputed claims terms for each patent; the claims in which each disputed claim term appears in which patent; which side or party proposed each claim term for construction; and each side or party's proposed constructions for each disputed claim term.

TABLE OF DISPUTED CLAIM TERMS FOR CONSTRUCTION

U.S. Patent Nos. 7,076,431 & 9,451,084			
Claim(s)		Plaintiff's Proposed Construction	Defendants' Proposed Constructions
Plaintiff Proposed Claim Terms			
'431: 1 '084: 1	"voice enabled device"	"a wired or wireless voice communication device associated with audio input (e.g., a microphone) and audio output (e.g., a speaker) capabilities"	All Defendants: "wireline or wireless telephone, IP phone, wireless PDA, or other wireless device"
Jointly Proposed Claim Terms			
'431: 1, 5, 6 '084: 1, 5, 6	"speaker-independent speech recognition device"	"device capable of recognizing spoken audible inputs that need not be trained to recognize the voice patterns of an individual user"	Amazon, Apple: "speech recognition device that does not adapt to individual speakers" Google, LG, Samsung: "speech recognition device that does not use predefined voice patterns to recognize spoken words"
'431: 1 '084: 1	"recognition grammar"	"what a user can say in natural language that will be recognized by the speech recognition device"	Google, LG, Samsung: "a predefined subset of words and predefined rules specifying the sequences in which a user can put those words so that they can be recognized by the speech recognition engine" Amazon, Apple: "predefined set of words and phrases a user can say that will be recognized by the speech recognition engine"
Defendants Proposed Claim Terms			
'431: 1, 7, 9, 10, 13, 14 '084: 1, 7, 10, 14	"web site"	Plain and ordinary meaning	All Defendants: "collection of linked and related web pages for browsing by a user with a web browser"

U.S. Patent Nos. 7,076,431 & 9,451,084			
Claim(s)		Plaintiff's Proposed Construction	Defendants' Proposed Constructions
'431: 1 '084: 1	select the corresponding recognition grammar upon receiving [said/the] speech command	Plain and ordinary meaning	Amazon, Google, LG, Samsung: "upon receiving [said/the] speech command, select the recognition grammar for the corresponding category of information"
'431: 1 '084: 1	"instruction set for identifying [said/the] information to be retrieved"	Plain and ordinary meaning	Amazon: Governed by pre-AIA 35 U.S.C. § 112, ¶ 6. <u>Function:</u> identifying [said/the] information to be retrieved <u>Structure:</u> Indefinite
'431: 1 '084: 1	"access at least one of [said/the] plurality of web sites identified by [said/the] instruction set to obtain [said/the] information to be retrieved"	Plain and ordinary meaning	Google, LG, Samsung: "search at least one of [said/the] plurality of web sites identified by [said/the] instruction set to obtain [said/the] information to be retrieved, not including retrieving a specific resource from a specific web site"
'084: 1	"the speech command comprising an information request provided by the user"	Plain and ordinary meaning	Google, LG, Samsung: Indefinite
'431: 1	"said computer configured to first access said first web site of said plurality of web sites and, if said information to be retrieved is not found at said first web site, said computer configured to sequentially access said plurality of web sites until said information to be retrieved is found or until said plurality of web sites has been accessed"	Plain and ordinary meaning	Amazon: Governed by pre-AIA 35 U.S.C. § 112, ¶ 6. <u>Function:</u> first accessing said first web site of said plurality of web sites and, if said information to be retrieved is not found at said first web site, sequentially accessing said plurality of web sites until said information to be retrieved is found or until said plurality of web sites has been accessed <u>Structure:</u> computer performing algorithm described in the specification of the '431 Patent at 7:14-34 and Tables 3, 4.

U.S. Patent Nos. 7,076,431 & 9,451,084			
Claim(s)		Plaintiff's Proposed Construction	Defendants' Proposed Constructions
'084: 1	“the computing device configured to access a first web site of the plurality of web sites and, if the information to be retrieved is not found at the first web site, the computer configured to access the plurality of web sites remaining in an order defined for accessing the listing of web sites until the information to be retrieved is found in at least one of the plurality of web sites or until the plurality of web sites have been accessed”	Plain and ordinary meaning	<p>Amazon: Governed by pre-AIA 35 U.S.C. § 112, ¶ 6.</p> <p><u>Function:</u> accessing a first web site of the plurality of web sites and, if the information to be retrieved is not found at the first web site, accessing the plurality of web sites remaining in an order defined for accessing the listing of web sites until the information to be retrieved is found in at least one of the plurality of web sites or until the plurality of web sites have been accessed</p> <p><u>Structure:</u> computer performing algorithm described in the specification of the '084 Patent at 7:27-48 and Tables 3, 4.</p>

Dated: July 31, 2020

Respectfully submitted,

/s/ Andrew H. DeVoogd

T. John Ward, Jr.

Texas State Bar No. 00794818

E-mail: jw@wsfirm.com

Charles Everingham IV

Texas State Bar No. 00787447

E-mail: ce@wsfirm.com

Andrea L. Fair

Texas State Bar No. 24078488

E-mail: andrea@wsfirm.com

Claire Abernathy Henry

Texas State Bar No. 24053063

E-mail: claire@wsfirm.com

WARD, SMITH & HILL, PLLC

PO Box 1231

Longview, Texas 75606-1231

Tel: 903-757-6400

Fax: 903-757-2323

Michael T. Renaud

Massachusetts BBO No. 629783

E-mail: MTRenaud@mintz.com

Michael J. McNamara

Massachusetts BBO No. 665885

E-mail: MMcNamara@mintz.com

Andrew H. DeVoogd

Massachusetts BBO No. 670203

E-mail: AHDeVoogd@mintz.com

Courtney P. Herndon

Massachusetts BBO No. 693418

E-Mail: CHerndon@mintz.com

MINTZ LEVIN COHN FERRIS

GLOVSKY AND POPEO PC

One Financial Center

Boston, MA 02111

Tel: (617) 542-6000

Fax: (617) 542-2241

www.mintz.com

Attorneys for Plaintiff Parus Holdings Inc.

/s/ Bita Rahebi

Bita Rahebi, Admitted *Pro Hac Vice*

Email: brahebi@mofo.com

Hector G. Gallegos, Admitted *Pro Hac Vice*

Email: hgallegos@mofo.com

Rose S. Lee, Admitted *Pro Hac Vice*

Email: roselee@mofo.com

Matthew C. Callahan, Admitted *Pro Hac Vice*

Email: mcallahan@mofo.com

MORRISON & FOERSTER LLP

707 Wilshire Boulevard

Los Angeles, CA 90017-3543

Tel: (213) 892-5200

Fax: (213) 892-5454

J. Stephen Ravel

Texas State Bar No. 16584975

Email: steve.ravel@kellyhart.com

KELLY HART & HALLMAN LLP

303 Colorado, Suite 2000

Austin, Texas 78701

Tel: (512) 495-6429

Attorneys for Defendant Apple Inc.

/s/ Luann L. Simmons

Steve McConnico

Texas State Bar No. 13450300

Email: smcconico@scottdoug.com

Paige Arnette Amstutz

Texas State Bar No. 00796136

Email: pamstutz@scottdoug.com

SCOTT, DOUGLASS & MCCONNICO, LLP

303 Colorado Street, Suite 2400

Austin, TX 78701

Tel: (512) 495-6300

Fax: (512) 495-6399

Darin W. Snyder (*Pro Hac Vice*)

Email: dsnyder@omm.com

Luann L Simmons (*Pro Hac Vice*)

Email: lsimmons@omm.com

David S. Almeling (*Pro Hac Vice*)

Email: dalmeling@omm.com

Mark Liang (*Pro Hac Vice*)

Email: mliang@omm.com

Bill Trac (*Pro Hac Vice*)
Email: btrac@omm.com
Daniel Silverman (*Pro Hac Vice*)
Email: dsilverman@omm.com
O'MELVENY & MYERS LLP
Two Embarcadero Center
28th Floor
San Francisco, CA 94111-3823
Tel: 415-984-8700
Fax: 415-984-8701

Attorneys for Defendant Google LLC

/s/ Luann L. Simmons
Steve McConnico
Texas State Bar No. 13450300
Email: smcconico@scottdoug.com
Paige Arnette Amstutz
Texas State Bar No. 00796136
Email: pamstutz@scottdoug.com
SCOTT, DOUGLASS & McCONNICO, LLP
303 Colorado Street, Suite 2400
Austin, TX 78701
Tel: (512) 495-6300
Fax: (512) 495-6399

Darin W. Snyder (*Pro Hac Vice*)
Email: dsnyder@omm.com
Luann L Simmons (*Pro Hac Vice*)
Email: lsimmons@omm.com
David S. Almeling (*Pro Hac Vice*)
Email: dalmeling@omm.com
Mark Liang (*Pro Hac Vice*)
Email: mliang@omm.com
Bill Trac (*Pro Hac Vice*)
Email: btrac@omm.com
Daniel Silverman (*Pro Hac Vice*)
Email: dsilverman@omm.com
O'MELVENY & MYERS LLP
Two Embarcadero Center
28th Floor
San Francisco, CA 94111-3823
Tel: 415-984-8700
Fax: 415-984-8701

***Attorneys for Defendants LG Electronics Inc.
and LG Electronics U.S.A., Inc.***

/s/ Michael E. Jones

Michael E. Jones
SBN: 10929400
POTTER MINTON, PC
110 North College, Suite 500
Tyler, Texas 75702
Tel: 903-597-8311
Fax: 903-593-0846
Email: mikejones@potterminton.com

Kevin P.B. Johnson
Victoria F. Maroulis
Todd Briggs
QUINN EMANUEL URQUHART &
SULLIVAN LLP
555 Twin Dolphin Drive, 5th Floor
Redwood Shores, CA 94065
Tel: (650) 801-5000

Marissa Ducca
QUINN EMANUEL URQUHART &
SULLIVAN LLP
1300 I Street NW, Suite 900
Washington DC 20005
Tel: (202) 538-8000

***Attorneys for Defendants Samsung Electronics
Co., Ltd. and Samsung Electronics America,
Inc.***

/s/ Saina S. Shamilov

J. David Hadden, CSB No. 176148
(Admitted W.D. Tex.)
Email: dhadden@fenwick.com
Saina S. Shamilov, CSB No. 215636
(Admitted W.D. Tex.)
Email: sshamilov@fenwick.com
Ravi R. Ranganath, CSB No. 272981
(Admitted W.D. Tex.)
Email: rranganath@fenwick.com
Min Wu, CSB No. 307512
(Admitted *pro hac vice*)

Email: min.wu@fenwick.com
FENWICK & WEST LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041
Tel: 650-988-8500
Fax: 650-938-5200

Barry K. Shelton
Texas State Bar No. 24055029
bshelton@sheltoncoburn.com
SHELTON COBURN LLP
311 RR 620 S, Suite 205
Austin, TX 78734
Tel: (512) 263-2165
Fax: (512) 263-2166

Attorneys for Defendant Amazon.com, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document has been served on July 31, 2020 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system.

/s/ Andrew H. DeVoogd
Andrew H. DeVoogd